



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/706,136	08/30/96	VANDENBELT	R HW-106A

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EXAMINER

CHANG, V

ART UNIT

PAPER NUMBER

2747

DATE MAILED: 08/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
07/706,136

Applicant(s)

Vandenbelt et al

Examiner

Vivian Chang

Group Art Unit

2747



☒ Responsive to communication(s) filed on Dec 22, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 and 14-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 and 14-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 14

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2747

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsona 1250 in view of Kramer (WO 83/01705) and Severson et al (US 5,633,985).

Consider claim 1. Marsona teaches a digital sound relaxation and noise masking system comprising: a digital sound relaxation device having operator input sound selection means, a built-in memory (e.g., the memory in the processor), the memory having pre-selected and prerecorded sounds selectable for individual replay, and a sound controller that is coupled to the memory and the operator input means and operative to play any sound of the built-in memory selected via the operator input sound selection means. Marsona does not show a collectable sound card in associated with the device and a controller which can enable the device to repetitively replay sounds without disrupting pauses.

However, Kramer teaches that it has been well known in the art to provide a system which can provide extra sound entertainment from a collectable sound card; see page 3. Thus it would have been obvious for one skilled in the art at the time the invention was made to apply the

Art Unit: 2747

teaching of Kramer to the device of Marsona so that more different choices of sound signals could have been accessed by the users.

Furthermore, Severson teaches that it has been well known in the art that sound systems can provide non-disrupting sound signals; see col. 1 lines 32-44. Thus it would have been obvious to apply the teaching of Severson to the modified device of Marsona so that listeners could have been continuously entertained without any annoying disruption.

Consider claims 2. The device of Marsona as modified teaches the claimed limitation.

Consider claim 3. Marsona's system has a plurality of switches. Marsona does not teach a sound card selector switch for reassigning the switches between the built-in and sound card sounds. However, it would have been obvious to include such a switch since the computer has to be notified whether the selector switches are going select information from the internal memory or the external memory.

Consider claim 4. The device of Marsona as modified teaches the claimed limitation.

Consider claims 5-7, 10 and 14-18. Note the discussion of claims 1-2, the device of Marsona as modified teaches the claimed limitation.

Consider claims 8-9, 11-12 and 19. The device of Marsona as modified teaches the claimed limitation since Severson teaches the signals stored in "loop" formats are well known. Also, the examiner takes official notice that audio signals stored in a sound bite format are well known in the art and therefore would have been obvious since it is just another well known alternative formats that audio signals could have been stored in.

Art Unit: 2747

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chang whose telephone number is (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Application/Control Number: 08/706,136

Page 5

Art Unit: 2747

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

vc

August 9, 1999



VIVIAN CHANG
PRIMARY EXAMINER